

REMARKS

Independent claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Menard in view of Nishiuchi. Claim 1 has been amended to recite the storage of one segment from an indicator in the content that identifies the start of the one segment and including the clip. It is respectfully submitted that Menard does not identify the start of a segment by looking for an indicator in the content to identify the start of the segment.

For example, in Menard's embodiment that uses a delayed feed buffer, a predetermined amount of time before and after the appearance of a keyword may be recorded. *See* column 5, lines 13-19. Thus, Menard merely records a time-based segment that includes the keyword. Nishiuchi does not cure Menard's deficiency.

Nishiuchi's system does not find a start of a program. For example, Nishiuchi's discrimination part 5 is not described as a memory or having memory capabilities. Therefore, after input to the discrimination part 5, the signal is lost. This does not really matter to Nishiuchi because he is merely looking for the beginning of a program in the discrimination unit to verify that the program is starting on time so that the signal may continue to be recorded on videotape or to start recording on the videotape (from the beginning of a program) after a program has been delayed. *See, e.g., [0003]*. Thus, there is no indication that Nishiuchi can find a start of a program after the signal has been output from the discrimination unit 5. For at least these reasons, the combination of Menard and Nishiuchi does not render amended claim 1 or claims dependent thereon obvious. *See also*, Reply to Paper No. 9 and Reply Under 37 C.F.R. § 1.111 (Paper No. 20041009).

Claim 14 was also rejected under 35 U.S.C. § 103(a) as being obvious over Menard in view of Nishiuchi. Amended claim 14 recites a processing system coupled to a storage system to receive an estimated time into a block of content that a capture trigger was activated, and based on the estimated time search for the clip in stored digital media after storage of a clip, in response to finding the clip, identify, in the digital media, a start point of the block including the clip, and store the block from the start in a portion of the storage system other than the portion used to store the digital data.

To reject claim 14, the examiner concedes that Menard does not teach capturing a trigger clip from a media stream. Therefore, it is respectfully submitted that Menard does not teach receiving an estimated time into a block of content that a capture trigger was activated

and based on the estimated time search for a clip, identify a start point of a block including the clip, and store the block from the start. Nishiuchi does not cure the deficiency of Menard.

There is simply no evidence that Nishiuchi samples a signal other than from a beginning of a program. *See, e.g.,* [0007]. This contention is supported by Nishiuchi's purpose—to execute a timer video recording at the *start* of broadcasting. *See Abstract.* For example, in Nishiuchi, at the start of a timed recording a sound signal of a television broadcast is input from a signal input part, the signal is converted into a digital signal and then inputted in a discrimination part 5. *See Abstract;* [0008]. Depending on the level of coincidence between the signal in the discrimination part and the data read from memory, the image recording equipment (VTR) will either stop the timed recording or continue recording. *Abstract;* [0008]. In this way, if a daily program that is scheduled to be broadcast at a given time is delayed, the timed recording will stop. Thereafter, for a limited time that is set beforehand, if the *first theme music or title drawing of a program* is broadcast, the recording will restart. [0008]-[0009] [Effect of the Invention]. Because Nishiuchi is concerned with recording at the start of a broadcast program, the sample taken for recognition must be at the beginning of the program to be recorded. Thus, Nishiuchi only teaches taking a sample near the beginning of a program. Accordingly, Nishiuchi does not receive an estimated time when the sample was taken.

Because neither Menard nor Nishiuchi receive an estimated time into a block of content that a capture trigger was activated and based on that time search for a clip in stored digital media, identify in the digital media a start point of a block including a clip, and store the block from the start, claim 14 and claims dependent thereon are patentably distinguished.

Claim 70 was also rejected under 35 U.S.C. § 103(a) as being obvious over Menard in view of Nishiuchi. Amended claim 70 calls for if the clip is found, store, in a storage unit other than a stream storage, a first portion of the digital data from an identified start of the first portion to an identified endpoint of the first portion, and including the clip.

As was discussed above with respect to claim 1, neither Menard nor Nishiuchi identifies a start of a first portion of a digital data to store that portion in a storage. That is, Menard merely stores from thirty seconds before a keyword has appeared to about five minutes after the keyword has appeared in a closed-captioned stream. The user specifies the length of the delayed feed buffer. Therefore, the number of seconds prior to the appearance of the keyword is strictly based on an arbitrary time. *See column 5, lines 13-19 and column 6, lines 15-21.* As

Menard fails to disclose trying to identify the start of a first portion to store a first portion from the identified start or to identify an endpoint to store the first portion to the identified endpoint, claim 70 and claims dependent thereon are distinguished over the combination of Menard and Nishiuchi.

Independent claim 76 was rejected under 35 U.S.C. § 103(a) as being obvious over Menard in view of Nishiuchi. Claim 76 has been amended to recite in response to the finding, identifying a currently playing block of content that includes the clip to obtain the content from a source other than the media stream.

The examiner concedes that Menard and Nishiuchi do not teach identifying a block corresponding to a clip and obtaining the block from a source which is different than the media stream. *See* Paper No. 20060927, page 8. Hasegawa, which is relied on to reject the subject matter, does not cure the deficiency of Menard and Nishiuchi.

For example, there is nothing in the cited portion of Hasegawa that indicates that the music content is currently playing, for example, on a radio station. Furthermore, although it is not stated outright in the section of Hasegawa relied on by the examiner, it is believed that the user in Hasegawa must know what music he or she desires. In other words, the user already knows the identity of the content requested. Hasegawa merely supplies the requested content. Because none of Menard, Nishiuchi, or Hasegawa identifies a currently playing block of content in response to finding a clip in a digital rendering of a media stream, claim 76 and claims dependent thereon are distinguished over the cited art.

CONCLUSION

In view of the amendments and remarks herein, the application is in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0788US).

Respectfully submitted,

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